

U.S. Patent Application Serial No. **10/560,365**
Response filed June 13, 2008
Reply to OA dated March 17, 2008

REMARKS:

Claims 1-4, 7-9, 11-14, 16-19, and 21-35 are currently pending. Claims 1, 7, 14, and 19 have been amended herein. Claims 5, 6, 10, 15, and 20 have been canceled herein without prejudice or disclaimer as to their subject matter. Claims 21-35 have been newly added herein.

As a preliminary matter, Applicants appreciate the Examiner's indication of allowable subject matter contained in claims 5-7, 10, 14, 15, 19, and 20.

A. The Examiner has objected to the drawings because of informalities.

The Examiner has suggested that corrected drawings are required, for several reasons. For example, regarding Figure 1, the Examiner has suggested that "the section lines P-P in Figure 1 [do] not correlate with the sections shown in either Figures 2 or 3, and Figure 1 does not show the oil collision part." Regarding Figures 2 and 3, the Examiner has suggested that the "triangle should either be removed or a label added to the triangle and disclosed in the specification that the triangle represents the refrigerant flow. Furthermore, the extension of the surface to this triangle should be removed."

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Regarding Figures 2 and 3, the Examiner has suggested that two lines be removed. Accordingly, Applicants have enclosed replacement sheets for Figures 2 and 3, with the noted two lines removed therefrom.

Applicants respectfully traverse the objection to Figure 1, for the following reasons.

The suction pipe 1, the suction space 3, and the back pressure adjusting mechanism 9 overlap with each other, so that for convenience, the right half and the left half with the shaft 13 as a center are shown in Fig. 1 and Fig. 4, respectively.

Accordingly, in view of the above, Applicants respectfully submit that the objection to the drawings should be withdrawn.

B. The Examiner has objected to claims 5-7, 10, 14, 15, 19, and 20.

The Examiner has objected to claims 5-7, 10, 14, 15, 19, and 20 as being dependent upon a rejected base claim, and has noted that claims 5-7, 10, 14, 15, 19, and 20 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims.

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Applicants have amended claims herein in a manner intended to place claims 1-4, 7-9, 11-14, 16-19, and 21-35 in condition for allowance.

In particular, the proposed claim amendments include the following changes.

The features of **claim 5** have been incorporated into claim 1, as amended. Claims 2-4, 7-9, 11-14, and 16-19 depend directly or indirectly from claim 1, as amended.

The features of **claims 1 and 6** have been incorporated into new claim 21. New claims 22-35 have been added. New claims 22-35 depend directly or indirectly from new claim 21.

Accordingly, in view of the above, Applicants respectfully submit that this objection to claims should be withdrawn.

C. The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 102(b) as anticipated by Japanese Patent Publication No. 2002-310076 (**Futagami '076**) or U.S. Patent No. 5,855,475 (**Fujio '475**).

Applicants respectfully traverse this rejection, for the following reasons.

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Futagami '076 and Fujio '475 fail to expressly or inherently describe the following features set forth in claim 1, as amended: "a side surface of said oil collision part on the side of a refrigerant passage is a concave curved surface, one of end surfaces of said curved surface is formed on an extension surface of a suction pipe connected to said suction space, an intersection angle between a tangent of said one end surface of said curved surface and a tangent of the other end surface of said curved surface is an acute angle," in combination with the other claimed features.

Accordingly, Applicants respectfully submit that this rejection of claim 1 should be withdrawn. It is submitted that this rejection of claim 2 should be withdrawn by virtue of its dependency.

D. The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,827,563 (Hiwata '563).

Applicants respectfully traverse this rejection, for the following reasons.

Hiwata '563 fails to expressly or inherently describe the following features set forth in claim 1, as amended: "a side surface of said oil collision part on the side of a refrigerant passage is a concave curved surface, one of end surfaces of said curved surface is formed on an extension surface of a suction pipe connected to said suction space, an intersection angle between a tangent of said one

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end surface of said curved surface and a tangent of the other end surface of said curved surface is an acute angle," in combination with the other claimed features.

Accordingly, Applicants respectfully submit that this rejection of claim 1 should be withdrawn. It is submitted that this rejection of claim 2 should be withdrawn by virtue of its dependency.

E. The Examiner has rejected claims 3 and 4 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,855,475 (Fujio '475).

Applicants respectfully traverse this rejection, for the following reasons.

Fujio '475 fails to expressly or inherently describe the following features set forth in claim 1, as amended: "a side surface of said oil collision part on the side of a refrigerant passage is a concave curved surface, one of end surfaces of said curved surface is formed on an extension surface of a suction pipe connected to said suction space, an intersection angle between a tangent of said one end surface of said curved surface and a tangent of the other end surface of said curved surface is an acute angle," in combination with the other claimed features.

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Accordingly, Applicants respectfully submit that this rejection of claims 3 and 4 should be withdrawn by virtue of their dependency.

F. The Examiner has rejected claims 9 and 16-18 under 35 U.S.C. § 102(e) as anticipated by Patent No. 6,827,563 (Hiwata '563).

Applicants respectfully traverse this rejection, for the following reasons.

Hiwata '563 fails to expressly or inherently describe the following features set forth in claim 1, as amended: "a side surface of said oil collision part on the side of a refrigerant passage is a concave curved surface, one of end surfaces of said curved surface is formed on an extension surface of a suction pipe connected to said suction space, an intersection angle between a tangent of said one end surface of said curved surface and a tangent of the other end surface of said curved surface is an acute angle," in combination with the other claimed features.

Accordingly, Applicants respectfully submit that this rejection of claims 9 and 16-18 should be withdrawn by virtue of their dependency.

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G. The Examiner has rejected claims 8 and 11-13 under 35 U.S.C. § 103(a) as obvious over any one of the following: Japanese Patent Publication No. 2002-310076 (Futagami '076), U.S. Patent No. 5,855,475 (Fujio '475), and U.S. Patent No. 6,827,563 (Hiwata '563) in view of U.S. Patent No. 6,302,665 (Esumi '665).

Applicants respectfully traverse this rejection, for the following reasons.

Futagami '076, Fujio '475, Hiwata '563, and Esumi '665, alone or in combination, fail to describe, teach, or suggest the following features set forth in claim 1, as amended: "a side surface of said oil collision part on the side of a refrigerant passage is a concave curved surface, one of end surfaces of said curved surface is formed on an extension surface of a suction pipe connected to said suction space, an intersection angle between a tangent of said one end surface of said curved surface and a tangent of the other end surface of said curved surface is an acute angle," in combination with the other claimed features.

Accordingly, Applicants respectfully submit that this rejection of claims 8 and 11-13 should be withdrawn by virtue of their dependency.

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H. The Examiner has rejected claims 9 and 16-18 under 35 U.S.C. § 103(a) as obvious over either Japanese Patent Publication No. 2002-310076 (Futagami '076) or U.S. Patent No. 5,855,475 (Fujio '475) in view of U.S. Patent No. 6,302,665 (Hiwata '563).

Applicants respectfully traverse this rejection, for the following reasons.

Futagami '076, Fujio '475, and Hiwata '563, alone or in combination, fail to describe, teach, or suggest the following features set forth in claim 1, as amended: "a side surface of said oil collision part on the side of a refrigerant passage is a concave curved surface, one of end surfaces of said curved surface is formed on an extension surface of a suction pipe connected to said suction space, an intersection angle between a tangent of said one end surface of said curved surface and a tangent of the other end surface of said curved surface is an acute angle," in combination with the other claimed features.

Accordingly, Applicants respectfully submit that this rejection of claim 9 and 16-18 should be withdrawn by virtue of their dependency.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,
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Enclosures: Replacement Sheets of Drawings (Figs. 2 and 3)
Amendment Transmittal